

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff

v.

LAMALSIKOU LOWE,

Defendant.

Case No.: 2:14-cr-0004-JAD-VCF

Order
[Doc. 187]

Pro se defendant Lamalsikou Lowe, who will soon go to trial on gun and drug charges, objects to Magistrate Judge Cam Ferenbach's January 14, 2015, order denying two motions from Mr. Lowe: one that alleges outrageous government conduct (#159) and one that requests Assistant U.S. Attorney Philip Smith be subpoenaed so that Mr. Lowe "can show the judge, jury and news that Mr. Smith is a well known gang member from white street crip and have [sic] manufactured this case as an act of retaliation." Doc. 160. Judge Ferenbach concluded that both motions improperly relitigate issues that have already been adjudicated. *See* Doc. 164 at 1. I agree.

The outrageous-government-conduct argument was rejected on December 9, 2014, as was the claim about Mr. Smith. I adopted in full a report and recommendation entered by Judge Ferenbach (#112) in which he found that there was no merit either to Mr. Lowe's claims of outrageous government conduct or to his allegations that Mr. Smith is a former gang member using this prosecution as street revenge. *See* Doc. 127. I also made clear, using intentionally bold type, that Mr. Lowe is "**cautioned that his allegations of outrageous government conduct and all the other arguments and issues addressed in Magistrate Judge Ferenbach's R&R have now been fully considered and rejected by this court; if he brings another motion re-urging the same arguments and allegations, it will be summarily denied.**" *Id.* at 5-6. I therefore find, after a de novo review of Mr. Lowe's motions, Judge Ferenbach's January 14, 2015, order, and Mr. Lowe's objections, that Judge Ferenbach was right to conclude that "no controversy regarding the Assistant U.S. Attorney or Outrageous Government Conduct exists in this action." Doc. 164 at 1. Judge

1 Ferenbach's order is affirmed, and Mr. Lowe's objections are overruled.

2 **Conclusion**

3 **IT IS HEREBY ORDERED** that Magistrate Judge Cam Ferenbach's order issued on
4 January 14, 2015 (**Doc. 164**), is **AFFIRMED**, and Defendant Lamalsikou Lowe's objections (**Doc.**
5 **187**) are **OVERRULED**.

6 DATED February 4, 2015.

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8 JENNIFER A. DORSEY
9 UNITED STATES DISTRICT JUDGE
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